

18/479995 1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification  
of this Application:  
Class ~~707~~ Subclass \_\_\_\_\_

Prior Application:  
Exam'r: MARSCHEL, A.  
Group Art Unit: 1807

Attorney's  
Docket No.:  
EN2-1107)(C2)

SA  
MW  
S-29-96

FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
BOX FWC (if under §1.62)

Sir:

This is a request for filing a  CONTINUATION  DIVISIONAL  
 CONTINUATION-IN-PART application under  37 CFR §1.60  
 37 CFR §1.62, of pending prior application Serial No. 08/125,492. 08/342,667  
 filed on November 21, 1994 of Robert G. Pergolizzi et al.  
 Inventor(s)

for:

Assay Method Utilizing Polynucleotide Sequences  
 Title of Invention

1.  Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.  A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is also enclosed. Small entity status is still applicable.
3.  The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT							
				RATE			FEE
	Number Filed		Number Extra	Small Entity	Other Entity	Small Entity	Other Entity
Total Claims	<u>1</u> -20	=	<u>0</u>	<input checked="" type="checkbox"/>	\$ 11	\$ 22	= \$ 0
Independent Claims	<u>1</u> -3	=	<u>0</u>	<input checked="" type="checkbox"/>	\$ 38	\$ 76	= \$ 0
Multiple Dependent Claims Presented:	<u>1</u>	Yes <input checked="" type="checkbox"/>	No		\$ 120	\$ 240	\$ 0
If the difference in Col. 1 is less than zero, enter "0" in Col.2						BASIC FEE	\$ 365
							\$ 730
						TOTAL FEE	\$ 730

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4.  The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

Any additional filing fees required under 37 CFR §1.16.

Any patent application processing fees under 37 CFR §1.17.

5.  The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

Any patent application processing fees under 37 CFR §1.17.

The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

Any filing fees under 37 CFR §1.16 for presentation of extra claims.

6.  A check in the amount of \$ \_\_\_\_\_ is enclosed.

7.  Cancel claims 2-149

8.  Amend the specification by inserting before the first line of the sentence: This is a  continuation,  divisional,  continuation-in-part, of application Serial No. 08/342,667 filed on November 21, 1994.

9.  Transfer the drawings from the prior application.

10.  Informal \_\_\_\_\_ Formal \_\_\_\_\_ drawings are enclosed.

11.  Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.

12.  Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. §119. \_\_\_\_\_ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

13.  The prior application is assigned of record to *Enzo Diagnostics, Inc.* c/o Enzo Biochem, Inc. 575 Fifth Avenue, New York, New York 10017.

14.  A preliminary amendment is enclosed.

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15. X The power of attorney in the prior application is to:  
Ronald C. Fedus, Reg. No. 32,567.

(a)        The power appears in the original papers in the prior application.

(b) X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) X A copy of a new substitute power of attorney is enclosed.

(d) X Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.  
Enzo Diagnostics Inc.  
c/o Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017

16. \_\_\_\_\_ Also accompanying this Request is a Petition to Revive An Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b).

17. X I hereby verify that the attached papers are a true copy of prior application Serial No. 08/342,667.

18. \_\_\_\_\_ The parent application (Serial No. \_\_\_\_\_) was unintentionally abandoned after \_\_\_\_\_, which was the date that a response to a \_\_\_\_\_ Office Action was originally due. As noted under No. 16 above, this Request For a Continuation Application is accompanying the Petition to Revive an Unintentionally abandoned Application Under 37 C.F.R. § 1.137(b), along with the requisite petition fee therefor. With the expected granting of the Petition, the parent application will be copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 7, 1995  
Date

  
Signature [Ronald C. Fedus]  
Registration No. 32,567   
Attorney for Applicants  
 Inventor(s)  
 Assignee of Complete Interest  
 Attorney or Agent of Record  
 Filed under 37 CFR §1.34(a)

Address of Signator:  
Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017

Attorney's Docket No. \_\_\_\_\_